

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Southern New England, Inc.	)	Case No.: 1:05-cv-11834-GAO
)	
Plaintiff,	)	PLAINTIFF'S REQUEST
	)	FOR ENTRY OF DEFAULT
vs.)	
)	
Mary Ahearn)	
)	
Defendant)	
)	
)	

Now comes the Plaintiff Comcast of Southern New England, Inc. (hereinafter "Comcast" or the "Plaintiff") in the above-entitled action and requests this Honorable Court to enter a default against Defendant Mary Ahearn (hereinafter the "Defendant"), in this action.

As reasons therefore, the Plaintiff states that:

1. The Defendant has twice requested an extension of time to respond to the Complaint and this Court has twice granted those extensions. The second period of time for filing an answer pursuant to the Court's second extension ran on January 25, 2006.
2. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the Summons and Complaint within which to serve an answer to Plaintiff's Complaint. Additionally, the Defendant had through January 25, 2006 based upon the second extension of time.
3. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter a default against Defendant. The Affidavit of Plaintiff's Attorney reciting compliance with Rule 12 and Rule 55 of the Fed. R. Civ. P. is annexed hereto and made a part hereof.

Respectfully Submitted for the Plaintiff,
Comcast of Southern New England, Inc.
By Its Attorney,

1/26/2006
Date

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061-0210
Telephone: (413) 586-0865
BBO No. 556328

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 26th day of January, 2006, a copy of the foregoing Request for Default was mailed first class to:

Mary Ahearn
69 Kennedy Drive
North Chelmsford, MA 01863

Gerald B. Gallagher
P.O. Box 2085
Acton, MA 01720

/s/ John M. McLaughlin
John M. McLaughlin, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Comcast of Southern New England, Inc.	)	Case No.: 1:05-cv-11834-GAO
)	
Plaintiff,	)	AFFIDAVIT OF ATTORNEY FOR
	)	PLAINTIFF'S REQUEST
vs.	)	FOR DEFAULT
)	
Mary Ahearn)	
)	
Defendant)	
)	
)	
)	

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action,
and, on oath, states the following:

1. On September 9, 2005, the Plaintiff filed a Complaint against the Defendant, **Mary Ahearn**, in United States District Court, alleging violations of 47 U.S.C. § 553.
2. On December 6, 2005, the said Defendant was served **by delivering in hand, by Deputy Sheriff Gerard Whitman** (see copy of Deputy Sheriff's Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. The Defendant has twice requested and extension of time to respond to the Complaint and this Court has twice granted those extensions. The second period of time for filing an answer pursuant to the Court's second extension ran on January 25, 2006.
4. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to

serve an answer to Plaintiff's Complaint. And, the Defendant had through January 25, 2006 based upon the second extension of time.

5. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
6. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.
7. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury, this 26th day of January, 2006.

Respectfully Submitted for the Plaintiff,
Comcast of Southern New England, Inc.
By Its Attorney,

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061
Telephone: (413) 586-0865
BBO No. 556328

UNITED STATES DISTRICT COURT

District of Massachusetts

Comcast of S. New England, Inc.

V.

Mary Ahearn

SUMMONS IN A CIVIL CASE

CASE NUMBER:

05 - 11834 GAO

TO: (Name and address of Defendant)

Mary Ahearn
69 Kennedy Drive
North Chelmsford, MA 01863

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon LLP
P. O. Box 210
77 Pleasant Street
Northampton, MA 01061-0210
(413) 586-0865

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

M. A. Paine

(By) DEPUTY CLERK

SEP - 9 2005

DATE



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 7135, Lowell, MA 01852-0135 • (978) 452-3221

Middlesex, ss.

December 6, 2005

I hereby certify and return that on 12/6/2005 at 8:30AM I served a true and attested copy of the SUMMONS, COMPLAINT, CIVIL ACTION COVER SHEET, CASE COVER SHEET, CORPORATE DISCLOSURE in this action in the following manner: To wit, by delivering in hand to MARY AHEARN at, 69 KENNEDY Drive, NORTH CHELMSFORD, MA 01863. Attest (\$5.00), Basic Service Fee (\$30.00), Conveyance (\$1.50), Postage and Handling (\$1.00), Travel (\$16.00) Total Charges \$53.50

Gerard Whitman
Deputy Sheriff

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

Address of Server

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Southern New England, Inc.	)	Case No.: 1:05-cv-11834-GAO
)	
Plaintiff,	)	ORDER FOR NOTICE OF REQUEST
	)	FOR DEFAULT
vs.)	
)	
Mary Ahearn,)	
)	
Defendant)	
)	
)	
)	

Upon application of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFAULTED this _____ day of _____, _____.

BY THE COURT

Deputy Clerk